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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

TOM SCOCCA, MADISON
SOCIETY, INC., and THE
CALGUNS FOUNDATION, INC.,

Plaintiffs,

vs.

SHERIFF LAURIE SMITH (In her
individual and official capacity.),
COUNTY OF SANTA CLARA, and
DOES 1 to 20,

Defendants.

Case No.: CV 11 01318 - EMC

STIPULATION FOR STAY

[Proposed] ORDER FOR STAY

The parties, by and through their counsel of record, hereby stipulate as follows:

1. This Court entered an order on December 17, 2012 (Doc # 61) granting in part and denying in part the Defendants' Motion to Dismiss.

2. The Court gave the Plaintiffs 30 days from the date of the order to file an amended complaint on the remaining equal protection “class of one” claim, and indicated that the Court would defer ruling on that claim until after the Ninth Circuit issued a decision in *Richards v. Prieto (Yolo County)*, Case No.: 11-16255 and *Peruta v. County of San Diego*, Case No.: 10-56971.
3. The parties believe that client and judicial resources would best be preserved if the Court stayed this present action until those decisions are published.
4. The parties also agree that Plaintiffs’ Counsel will bear the burden of filing a notice with this Court within 5 court-days of the Ninth Circuit issuing its decision.
5. The parties agree that Plaintiffs would then have 30 calendar days from filing said notice to file their amended complaint on the “class of one” equal protection claim.
6. The parties also agree that the Court should reset the Joint Case Management Conference to some date after the notice is filed.
- Respectfully Submitted on January 7, 2013,

/s/

 Melissa Kiniyalocts,
 Counsel for Defendants

/s/

 Donald Kilmer
 Counsel for Plaintiffs

**ATTESTATION FOR COMPLIANCE WITH GENERAL ORDER 45 AND
 LOCAL RULE VIII.B.**

I, Donald Kilmer, declare under penalty of perjury under the laws of California and the United States that I have in my possession e-mail correspondence from Melissa Kiniyalocts that the content of this document is acceptable to all persons required to sign the document. I declare that this document was signed in San Jose, CA on January 7, 2013.

/s/

 Donald Kilmer for Plaintiffs

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ORDER

Upon consideration of the parties stipulation and a review of the record, this action is stayed and all current court dates are vacated. Plaintiffs are directed to file notice with this Court within 5 court-days of the Ninth Circuit issuing its disposition in *Richards v. Prieto (Yolo County)*, Case No.: 11-16255 and *Peruta v. County of San Diego*, Case No.: 10-56971.

~~The Plaintiffs shall also submit a proposed order resetting the Case~~

~~Management Conference on the Court's calendar along with the notice required~~

~~above.~~ The Further CMC is reset from 1/31/13 to 4/25/13 at 10:30 a.m. Parties may submit a stipulation to continue this if necessary.

Upon filing of said notice, Plaintiffs have leave to amend their class-of-one equal protection claim within 30 calendar days.

Date: 1/14/13

